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By: Delegates Griffith and Vallario

Introduced and read first time: January 19, 2001

Assigned to: Judiciary

25 286B.

(a)

For purposes of this section,

28 controlled dangerous substance by State law or regulation.

(1)

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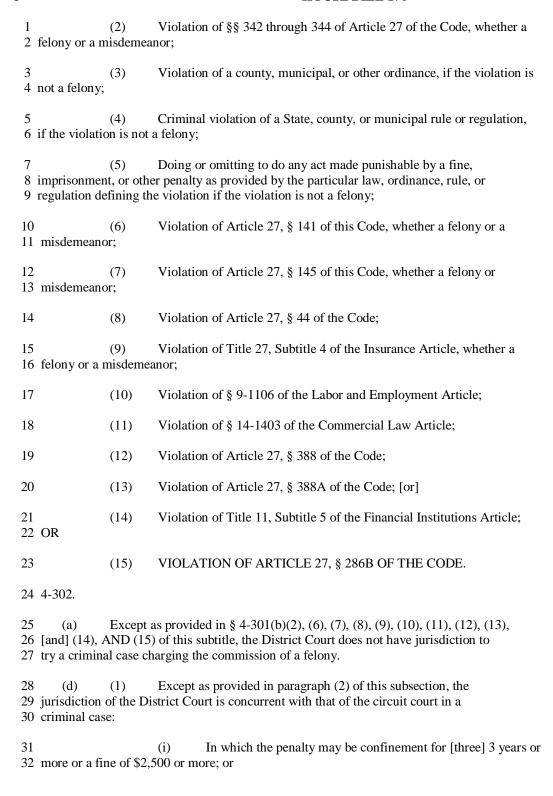
## A BILL ENTITLED

1	AN ACT concerning
2	Criminal Procedure - Distribution of Noncontrolled Substance - Jurisdiction of Trial Courts
5 6 7 8 9 10	
15 16	Annotated Code of Maryland (1996 Replacement Volume and 2000 Supplement)
17 18 19 20 21	BY repealing and reenacting, with amendments, Article - Courts and Judicial Proceedings Section 4-301(b) and 4-302(a) and (d)(1) Annotated Code of Maryland (1998 Replacement Volume and 2000 Supplement)
22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
24	Article 27 - Crimes and Punishments

"Noncontrolled substance" means any substance not classified as a

- **HOUSE BILL 176** 1 (2)"Distribute" means the actual, constructive, or attempted transfer, 2 exchange, or delivering of a noncontrolled substance, other than by dispensing, from 3 one person to another with or without remuneration, whether or not there exists an 4 agency relationship. 5 A person may not distribute, attempt to distribute, or possess with intent (b) 6 to distribute, a noncontrolled substance upon the representation that the substance is 7 a controlled dangerous substance. 8 (c) It is unlawful for a person to distribute, attempt to distribute, or possess 9 with intent to distribute, any noncontrolled substance intended by that person for use 10 or distribution as a controlled dangerous substance or under circumstances where one 11 reasonably should know that the noncontrolled substance will be used or distributed 12 for use as a controlled dangerous substance. 13 For the purpose of determining whether this section has been violated, the 14 court or other authority shall include in its consideration the following: 15 Whether the noncontrolled substance was packaged in a manner (1) 16 normally used for the illegal distribution of controlled substances; 17 Whether the distribution or attempted distribution included an 18 exchange of or demand for money or other property as consideration, and whether the 19 amount of the consideration was substantially greater than the reasonable value of 20 the noncontrolled substance: 21 Whether the physical appearance of the noncontrolled substance is 22 substantially identical to that of a controlled dangerous substance. 23 (e) In any prosecution brought under this section, it is not a defense to a 24 violation of this section that the defendant believed the noncontrolled substance to 25 actually be a controlled dangerous substance. 26 Any person who violates the provisions of this section with respect to the (f) distribution, attempt to distribute, or possession with intent to distribute a noncontrolled substance as a controlled dangerous substance, is guilty of a felony and, upon conviction, is subject to imprisonment for not more than 5 years, or a fine of not 30 more than \$15,000 or both. 31 **Article - Courts and Judicial Proceedings**
- 32 4-301.
- 33 (b) Except as provided in § 4-302 of this subtitle, the District Court also has 34 exclusive original jurisdiction in a criminal case in which a person at least 18 years
- 35 old or a corporation is charged with:
- 36 (1) Commission of a common-law or statutory misdemeanor regardless 37 of the amount of money or value of the property involved;

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- $1 \\ 2 (10), (11), (12), (13), [and] (14), AND (15) of this subtitle.$
- 3 SECTION 2. 4 October 1, 2001. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect